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And Law (or Further Adventures of the Jondo)

ALLAN C. HUTCHINSON*

Until the lions have their historians, tales of hunting will always glorify the hunter.

—Old African Proverb

WE are all tellers of tales. Our lives are a struggle to imagine and enact the best stories we can.¹ These stories run from the sublime to the ridiculous, the ecstatic to the elegaic, the hopeful to the fearful, and the marvellous to the mundane. Only in our fantasies are we anywhere near free to indulge our dramatic imaginings to their fullest; even then we are not entirely free, for we must dream within the historic experience of our life stories. In life, we are thrust into a work-in-progress. It is a sprawling performance that has countless acts and a profusion of scenes, often being performed simultaneously and repeatedly. Reality becomes congruent with these enactments of the habitual stories and stock tales of the community. To the extent that we get to write and enact our own lives, we must begin with and respond to the dramatic plot in which we find ourselves. The story of my life can never be disentangled from the community's story, in which my story develops and gains significance. While we can never be free of the past or of our communal connections, we need not become slavish adherents to their perceived weight and hold. The future of the past is our present and continuing responsibility. The past has passed and was what it was, but it is up to us to decide what it will become.

For many, life will be exhausted in playing out the stories of others, a cameo role on a stage and in a script not of their making. At best, these enlisted thespians will have to live their stories before they can tell them. In this sense "[people] make their own history, but they do not make it

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1. These opening paragraphs are drawn from earlier articles. See Hutchinson, *Telling Tales (or Putting the Plural in Pluralism)*, 23 OSGOODE HALL L.J. 681 (1985); see also Hutchinson, *Part of an Essay on Power and Interpretation (With Suggestions on How to Make Bouillabaisse)*, 60 N.Y.U. L. REV. 850 (1985). The entire Article is reprinted in a slightly revised form in A. HUTCHINSON, *DWELLING ON THE THRESHOLD, CRITICAL ESSAYS ON MODERN LEGAL THOUGHT* 11-14, 247-59 (1988).

just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given, and transmitted from the past."² We cannot abandon history or dispossess ourselves of its dramatic heirlooms. We cannot create afresh our autobiographies. At best, we must play our given roles until we have the capacity and confidence to re-create ourselves and remake our world. The opportunity to experience the exhilarating demands and responsibilities of narrative reconstruction is at the heart of democratic citizenship.

History and human action only take on meaning and intelligibility within their narrative context and dramatic settings. We are never not in a story. There are many stories being imagined and enacted, but we can only listen to them and comprehend them within the vernacular contexts of other stories. Our conversations about these narratives are themselves located and scripted in deeper stories that determine their moral force and epistemological validity. There is no truth nor knowledge outside the dramatic context and idiom of history. All conversations occur within history. From the available narrative resources, we are able to shape and shade the possibilities and parameters of our own identities. Also, the anthology of communal folktales tell us how we expect, predict, or assume others will act. Stories are so powerful and pervasive that they not only lay out a path for us to follow, but also provide a limited range of dramatic devices and rhetorical strategies for rescripting the story. It is these dramatic practices and narrative procedures that allow us to perceive, understand, act, criticize, and change in a mutually intelligible manner. By simultaneously empowering certain modes of action and foreclosing others, narrative holds us in a grip that is as powerful as force of arms. Through the interweaving plots and intricate subplots of the different narratives, people inhabit different worlds; their understanding of the world and their normative response to it are substantially at odds.

The "law" is a potent and institutional story. It is one of the ways society defines itself and presents the world to itself. The styling, staging, and phrasing of the law structure the world in particular and partial ways. Being normative in nature, law is a way of imagining and has a distinct theory of its own relations to a larger *nomos*.³ As an intelligible description of and mutual prescription for action, the legal story predisposes its actors and audience to certain interpretive choices and social

2. Marx, *The Eighteenth Brumaire of Louis Bonaparte*, in BASIC WRITINGS OF POLITICS AND PHILOSOPHY 320 (L. Feuer ed. 1959).

3. See Cover, *Nomos and Narrative*, 97 HARV. L. REV. 4 (1984); see also C. GEERTZ, *LOCAL KNOWLEDGE: FURTHER ESSAYS IN INTERPRETIVE ANTHROPOLOGY* (1983).

stances. Located and sustained by historical conditions and circumstances, the dramatic performance of the law is socially imposed and, what is often overlooked, psychologically assumed by individual actors and members of the audience. Indeed, it is often forgotten that law is a story and, like all stories, can be rescripted. The struggle to control meaning and, therefore, the conditions for communal life, is fought anew each day. Existing plots and scenarios are only compelling insofar as they are constantly reinforced through daily use and rehearsal.

If law is a story, writing about law is a meta-story, or a story about a story. Operating at different levels and from different perspectives, academics tell stories about the legal story, the way it develops and changes, the roles and responsibilities of the *dramatis personae* and the like. Academics perceive their primary task to be both exegetical and editorial. As exegetes, they clarify and explain the obscurities and mysteries of the law story, especially as told by its judicial authors. Different schools of interpretation have formed and there is heated debate over their validity and value. The performance of this exegetical function inevitably collapses into a more creative editorial exercise. Academics reorganize and rework judicial and legislative texts. In so doing, they often embellish, enrich, or enfeeble the primary texts. This is not an occasion for surprise or censure, for decoding is always another form of encoding.⁴ Occasionally, the academic translator attains such prominence that the judicial or legislative storytellers officially rescript the legal drama and incorporate their telling insights. However, as one of the foremost interpreters of law, academics possess and exercise considerable power: "If interpretation is a never-ending task, it is simply because there is nothing to interpret. There is nothing absolutely primary to interpret because, when all is said and done, underneath it all everything is already interpretation."⁵

* * * *

We are, after all, just people driven by the ultimate mystery of our own situation to be ludists of the unknowable.

—Arthur Allen Leff⁶

Much had happened to the Jondo in the intervening years. Fish and maize were no longer their food staples nor totems; they were reduced to

4. See Calabresi, *Thoughts on the Future of Economics in Legal Education*, 33 J. LEGAL EDUC. 359, 364 (1983) ("To translate from one language to another is to betray. That is the translation, and the betrayal, of an Italian saying: '*Traduttore, traditore*'").

5. Foucault, *Nietzsche, Freud, Marx*, in NIETZSCHE COLLOQUE PHILOSOPHIQUE INTERNATIONAL DE RAYAUMON 189 (1971) (quoted in H. DREYFUS & P. RABINOW, MICHEL FOUCAULT: BEYOND STRUCTURALISM AND HERMENEUTICS 107 (2d ed. 1983)).

6. Leff, *Law And*, 87 YALE L.J. 989, 1011 (1978).

a lesser, but still important, dietary and symbolic significance. Diversification now seemed such a natural way of life that the younger Jondo found it difficult to understand the resistance and resentment these changes had brought. The autumnal and vernal harvests were still celebrated, but more as simple holidays than as ritualistic reaffirmations. And the Sacred Hermaphrodite remained venerated, but only as a convenient heraldic figure.

Nonetheless, the symbolic side of life remained central to the Jondo: *cosmos* had given way to *nomos*. Ideas and argument had become the new idols and totems. The wordsmith and philosopher had replaced the fisher and the farmer as the embodiment of Jondo achievement and maturity. No longer did the young strive to learn the practical skills of the rod and plough, but honed their intellectual talents so that they could struggle with the mysteries of the normative universe and better reveal its secrets. Homage was paid to Truth, Justice, and other lesser deities. Spectacular ceremonies still occurred each year. At these, the purveyors of untruths were symbolically sacrificed at the Altar of Rationality. The high priests were metaphysical masters of analytical arcana and ontological obfuscation.

In this single-minded pursuit of philosophical fulfillment, existence had become secondary to enlightenment. Many Jondo perished as willing hostages to intellectual progress. Yet, as with their ancestors, existence tempered enlightenment enough to ensure that unmitigated hedonists or spartan aesthetes found their way to the intellectual altar. The perpetual challenge to the Jondo was to discover a set of intellectual principles that was sufficiently concrete to give guidance to the daily round of existential dilemmas and to be sufficiently abstract so as to offer guidance beyond the immediate context of any particular problem. This dilemma haunted Jondo society and cast a long shadow over their future contentment. It still does.

The neighboring Usa had also changed, but events had worked more subtly. *Homo Ludens* remained the dominant tribal icon, but there had been two major developments. First, although Usa society continued as a sprawling and robust sporting contest, the vast majority played little active part. Life had become a spectator sport. The Usa experienced the game of life vicariously, often third- or fourth-hand. Each had to snatch voyeuristic pleasure wherever and whenever possible: it became a desultory game of catch-as-catch-can. It was not so much that most Usa were playing the game as the game was playing them. The fate of whole lives rested on the quarterback's passing or the market's defense. The ordinary

Usa played no part in the selection of players or the tactics to be used. Secondly, the Law Game had slowly become almost the only game in town. Other contests flourished and faded, but only with the blessings of the legal quarterbacks. Athletes played their most important quarters in Law's stadium. No victory was more final nor more important than in the Super Bowl of Law. The small and elite squad of legal agonists ran a demanding schedule, but no gamesters were more consummate in the ludic nuances. They managed to elevate law-sport to a unique status in which causal and metaphoric effect combined irresistibly to shape the destiny of Usa society. If life was a game, then law was the game of life.

Over the years, of course, the Jondo and Usa had come into contact. Neither was particularly enamored with the other or its values and lifestyles. The high-minded Jondo considered the Usa's ludic lust and thirst for spectacle to be shallow; they preferred to engage in more worthy cerebral contests. On the other hand, the hard-headed Usa had little time for such Mumbo-Jondo, but they maintained cordial relations with them. Like everything the Usa did, their dealings with the Jondo were part of an elaborate game plan. Apart from the immediate gratification of such ludic scheming, the Usa were tribally committed to extending the venues and schedules for the performance of the Usa game of life. The Jondo seemed to offer easy pickings. However, in their dealings with the Jondo, the experience and intuition of the Legal Usa told them that the patient ground game is preferable to the long bomb.

Among the Legal Usa, there existed a privileged coterie who were adept at the most baffling mind games. They deployed this odd facility in the coaching of legal initiates and, coincidentally, for the betterment and aggrandizement of the Law Game itself. One such elder was Chafri. Although once infatuated by the pure intellectualism of his Jondo neighbors, but then suitably sceptical, he was sent as a strategic emissary to the Jondo. With his knowledge and understanding of the Jondo's idealistic tradition, he was given a generous welcome and was soon inaugurated as an honorary tribal elder, A Man of Learning. Using his ample rhetorical talents, finely tuned in years of lawyerly engagements, Chafri began to unveil his master strategy and to turn the Jondo to his way of thinking. His central argument was simple and appealing. Conceding the apparent superiority of philosophical endeavor, he proposed to bring it within physical reach with a minimum of pragmatic compromise:

The picture I have . . . is of philosophy proposing an elaborate structure of arguments and considerations which descend from on high but stop some twenty feet above the ground. It is the peculiar task of law to complete this

structure of ideals and values, to bring it down to earth; to complete it so that it is seated firmly and concretely and shelters real human beings against the storms of passion and conflict. That last twenty feet may not be the most glamorous part of the building—it is the part where the plumbing and utilities are housed. But it is an indispensable part. The lofty philosophical edifice does not *determine* what the last twenty feet are, yet if the legal foundation is to support the whole, then ideals and values must constrain, limit, inform and inspire the foundation—but no more. The law really is an independent, distinct part of the structure of value.⁷

Envisaging eternal fame and fortune in Jondo history, the tribal elders were soon prepared to endorse this project and to guarantee its expeditious completion. With much trumpeting, it was announced that a Tower of Law would be built. At first, most Jondo were shocked at the enormity of this project and its apparent conflict with the central article of their constitutional faith: that Jondo was to be governed by the Rule of Philosophy and not men. But, when they were assured that they must at times forgo philosophy in order to attain PHILOSOPHY, resistance lessened. People were reminded of the psychic satisfaction of a physical job well done. With the completion of the Tower, it would be possible to finally reach and know the Truth; each Jondo would be able to climb the Tower and experience the serenity of complete self-knowledge that would surely be there.

Some remained unconvinced and marched in protest against the project. They rallied behind the cry, "Which of you, intending to build the Tower, does not sit down first and count the cost?" With calculated indignation, the tribal elders dismissed such questions by responding that the Devil reads the scriptures for his own purposes. Moreover, exquisite arguments of an economic and ontological nature sanctioned such a construction. With due solemnity, the Sacred Hermaphrodite announced that the Tower of Law was to stand as a megamonument to Jondo's philosophical prowess; a magnificent obelisk of pride and achievement and a beacon to light the way for other, less gifted, tribes. Temporary hubris would lead to lasting humility.

Before the building could begin, however, much preparatory work had to be undertaken. Because the Jondo were untutored in the many facets of Tower building, being content to inhabit more modest dwellings, foreign expertise had to be imported. The first task was to locate the best site for the Tower. When the visiting geologists arrived, the Jondo took an immediate shine to them. Never leaving their comfortable

7. Fried, *The Artificial Reason of the Law or: What Lawyers Know*, 60 TEX. L. REV. 35, 57 (1981).

quarters, they pored over the sheafs of maps, charts and reports they had brought with them; these papers only related to and were based on surveys of their own country. After intense and technical discussion, it was announced that the Tower would be built equidistant from Jondo's two largest settlements. This was not, as the elders were quick to point out, a solution of expediency, but was demanded by the rational application of geological knowledge. As few Jondo knew anything about geology, but were predictably impressed by the geologists' intelligence and learning, the consecration of the site by the Sacred Hermaphrodite soon followed.

The next step was to draw up plans for the construction of the Tower. An architectural committee of tribal elders was formed. In typical Jondo tradition, debate was lengthy and heated as the elders thrilled to the intellectual give-and-take; this was the stuff of Jondo legend. Grappling with the cryptic possibilities of architectural imagination, the views expressed tended to be divided into three main thrusts. One group of elders argued strenuously that it would be necessary to draft the most detailed of plans before work could commence; the placing of each brick and every spreading of mortar would have to be plotted and graphed beforehand. However, the supporters of this position were themselves divided into two factions. One took the view that the appearance of the Tower was extremely important; its design and structure must reflect the majesty and grandeur of its purpose. After all, it was intended to be an enduring monument and not simply a rudimentary ladder. The other faction would have no truck with this. For them, the Tower's form was subordinate to its function; it would be indulgent to delay and increase the cost of the project because of the ephemeral standards of architectural elegance. With equal force, the other major group contended that the work should proceed cautiously and incrementally. Once the building began, the Tower would begin to take on a shape of its own and develop an immanent structure. In short, the Tower would be its own architect.

To break the deadlock, which was for the scholastic Jondo more sublime than troubling, Chafri called on all the fabled Usa negotiating techniques in his legal locker and managed to secure a deal between the competing factions. The resulting agreement was to become a document of truly historic proportions. It came to be known as the Bill of Works. Framed in the most sweeping terms, it was long on generalities and short on details. It called for elaborate facades and brickwork, demanding the most exquisite and exacting craftsmanship. But there was little guidance on its interior structure and construction; these were to be decided upon

as circumstances demanded and resources allowed. Before anyone had much chance to reconsider their consent to the fragile compact, work on the Tower was begun. As seemed fitting, the Bill of Works was set in stone.

Work on the foundations commenced immediately but, because of the Jondo's inexperience in the building crafts and their tendency to stop work and engage in disquisitions over the finer points of architectural protocol, the progress was slow and deliberate. Also, much of the work demanded hard physical labor. This was felt to be below the dignity of most Jondo men. Consequently, a brisk trade soon developed in the importation of Blanco labor. Blanco was a neighboring land which was inhabited by large, ivory-skinned, but primitive people. They knew nothing of the civilized Jondo life-style and remained enslaved to the subsistence economy of rod and plow. The elders felt that, by working on the Tower, they might be introduced gently to the liberated world of Jondo society. Blanco resistance and reluctance was construed as a forgivable ignorance that must not be allowed to weaken the proselytizing resolve and responsibility of the superior Jondo. Anyway, they came cheap and kept Jondo hands clean.

Years passed before the foundations were complete. This was of no consequence. It was accepted that it was better to build on solid rock than on the shifting sand of the Jondo. The rock was imported at great expense from Usa. At last, the Day of Dedication arrived. Unfortunately, Chafri and many of the tribal elders had died. Nonetheless, missed and mourned as they were, others had been appointed to assume their responsibilities and were present to witness the Towering Hermaphrodite (as s/he was now known) lay the ceremonial stone. A pure chunk of lexite, it was inscribed with the great Turris Creed:

We the People of Jondo, in order to reach a perfect Truth, establish Justice, insure intellectual Tranquility, provide for a common Epistemology, and secure the Blessings of Philosophy to ourselves and our Posterity, do erect and establish this Tower of Law.

After a fresh spurt of enthusiasm, occasioned by the festivities of the Day of Dedication, the building of the Tower settled back into its more languid and accustomed routine. At first, there had been a scarcity of sufficiently willing or capable workers. Blancos did not count; they were viewed more as resources than as workers. Few qualifications were expected; the Jondo learned their skills on the scaffolding and at the lathe. But, after many years, there developed a glut of builders. This was for a combination of reasons. Fathers had passed on their trades to their sons

and a tradition of craftsmanship was established. Also, the Tower had begun to have a substantial impact on the fragile economy of Jondo. The burgeoning demands of the building and the need to import foreign materials placed a heavy burden on the overdrawn coffers of the Jondo treasury. Work became scarce, wealth was thinly spread, and many were drawn toward the Tower as a place where fortunes could still be made and reputations forged. Finally, the Tower had begun to exude that scentless, but unmistakable whiff of power that caught in the nostrils of the Jondo and went straight to their heads.

In order to preserve their own improving wealth and position, the builders had begun to form guilds. The first decisions of these associations were to control the entry to the ranks of the Tower-builders, to clamp down on unauthorized building and to formalize the training of apprentice builders. Along with these official moves, the builders began to develop a special vocabulary and to shroud their professional skills in a technical mystique. A common form of dress was assumed and a sombre accent affected. Within a few years, what had once been the most tedious of occupations became an exclusive calling that was accessible to only the most gifted and expert; the prosaic heaping of brick upon brick had begun to displace the divinations of the tribal elders as the most worthy and revered of vocations. Yet the Builders were not so naive as to flaunt their new found power and prestige. Each new builder was taught (and often believed) that he existed to serve the Tower and to hasten its rendezvous with Truth and Justice. In this way, building became the very highest and most humble commitment to the people; the Builder was the quintessence of the Jondo ethos. Who would begrudge wealth and status to those of such selfless devotion?

For a number of decades, the progress of the Tower went on without any real incidents. Architectural disputes were muted as the Builders recognized the need to maintain a common and united front. Yet broad disagreement over the design of the Tower festered. In time, the engineers and surveyors began to affiliate with competing guilds. Each had their own quarters in the building. Communication between the groups went quiet and they only met at formal confrontations. Past great Builders were revered and their portraits hung on the walls of the respective guilds. Exhibitions of their architectural sophistication were regularly given in the hope of attracting fresh recruits and of demonstrating their supposedly superior artisanship. Exegetical pamphlets began to appear and oaths of architectonic allegiance were sworn. Yet, for all this interne-

cine rivalry and emblematic falling-out, the actual building of the Tower seemed to proceed much as it had always done.

While one guild spent much of their time contemplating and working on the West side of the building, the other guild devoted their efforts to the East side. However, both sets of Builders followed a very similar *modus operandi*: they did not draw up any plans or work schedules until after a section of the Tower was complete. Occasionally, a particular structural innovation was completed, the blueprints were duly made available, and then that part of the building would be demolished or simply collapsed. Unfazed by this edificial turn of events, a Rationalization Program was immediately developed and announced. This was accompanied by stacks of detailed documents and supporting calculations. Indeed, a couple of years were spent in constructing suitable annexes to house this prolific body of professional literature.

Although many neophyte Builders were initially disturbed by these happenings, they soon recognized the wisdom of this way of proceeding (or, at least, of not asking too many questions about it). Nevertheless, there was a significant group of renegade Builders who had become so disenchanted with the architectural machinations and shenanigans that they began to establish an Alternative Style of Building. At first, they worked to expose these daily facts of life to other Builders and anyone who would listen. Soon, however, they began to criticize the whole Tower project and show how it was not only a waste of valuable time and money, but was a vast diversion from the central challenge that faced Jondo society—to make Jondo a better and more just place in which to live. In keeping with their iconoclastic instincts, they offered a variety of ways of thinking about and actually being a Builder.

A popular line of critique concentrated on the extent to which the warring factions of Tower-Builders were hopelessly and fundamentally dependent on each other. The West face of the Tower was very different from the East, but without the East to prop it up, the West side would collapse. They both were built to eclipse the other, yet relied upon each other for vital support. And, of course, if you viewed the Tower from the north or south, they each merged into the other to form an appearance that was neither East nor West, but both East and West. And so it went. The renegade builders continued to insist that there was no immanent or instrumental architectural rationality inherent beyond the historical confines of Jondo: Tower Rationality was no less constructed than the Tower itself.

Colloquially known as “The Deconstructors”—“it is better to

deconstruct for our generation than to construct for eternity"—they carried out a series of geological tests, using the tools and techniques of the Tower Builders. These studies concluded that the Tower was not built on the most stable of foundations. In fact, close inspection of the Tower's footings revealed that there was an almost perfect balance between the annual increase in the Tower's height and its sinking into the terra not-so-firma of Jondo. Yet some among the Deconstructors accepted that, while undermining was fun, the Tower would not collapse nor its Builders relinquish their vision by a demonstration, no matter how convincing, that the Legal Laager was monumentally unsound in theory and in practice. Consequently, concerted efforts were made to offer alternative visions and projects. Campaigns began to persuade the Jondo that the future lay not up in the clouds, but down on the ground. Their salvation lay in making the best buildings they could out of the warm earth of Jondo. By lowering their gaze from the always-in-sight-but-forever-out-of-reach philosophical heavens, the Jondo might better see the conditions of their present enslavement and the possibilities for future liberation.

After some initial bemusement and structural tolerance, the Building guilds and the tribal elders began to close ranks and work to discredit these architectural downstarts. While some responded by letting the beauty and symmetry of the brickwork speak for itself, others began to engage in a spirited refutation of the Deconstructionists' architectural heresy, and still others argued that the existence of such "rebels without a Tower" served to keep the true Tower Builders honest. A small, but influential, group of building Elders started to hurl all shapes and sizes of brickbats. Ridicule was a favored tactic. But the most traditional among their ranks demanded nothing less than banishment from the environs of the Tower and, preferably, from Jondo itself:

Even the Deconstructors must recognize that Building students are infertile ground for the seed of deconstruction: within institutions like the Tower, Deconstruction is a doomed testament. Elsewhere, such teaching may find an audience, but not among those who have set their hands to perform the Tower's work. Seeing her blemishes (they are many) and knowing her perfidies (which are not few), true Builders can love the Tower. We love the Tower not because reason requires it, but because our commitment to our discipline serves the needs of the Jondo public to whom, and for whom, we are responsible.⁸

This struggle between the Building Constructors and the Deconstructors ebbed and flowed. Yet, even as it did, work continued and the

8. Adapted from Carrington, *Of Law and the River*, 34 J. LEGAL EDUC. 222, 227-28 (1984).

Tower went up, or, more accurately, went up-and-down to the same place. Building disputes inevitably arose. While many were of a minor, technical nature, an important few raised issues of major architectural substance, such as the Tower's appearance and elevation. These matters received considerable coverage in the Jondo Gazette. Public opinion was often sharply divided and many Jondo, remembering the simple philosophical pleasures of days gone by, savored the intellectual niceties of these controversies. In order to resolve these disputes, a Tower Commission was established. The difficulty was to know who to select and appoint to this crucial institution. There was a strong lobby to the effect that, as the problems of the Tower touched on the lives of all Jondo, the Commission should contain a representative cross-section of the Jondo community. While most disputes had a clear Building dimension that required specialized knowledge, the future of the Tower and its aesthetic development, it was argued, fell outside the legitimate authority and exclusive realm of Architectural Science.

With calm assurance and learned patience, the Builders demonstrated that the view that Tower Building was little more than common sense had become accepted only because the great learning and erudition of the compleat Builder made possible the effortless sophistication and apparent simplicity of the Building Craft. It was not so much that the Jondo were convinced by these arguments, but that they could think of no effective response. Like all Jondo, they could make no sense of the proposition that the Building argument that could withstand all deconstructive attacks might not be true. Accordingly, the most esteemed of the Builders duly took their seats on the Tower Commission. Across the portals of the modest tower that was erected for their deliberations was emblazoned the one basic truth: "It is a Tower we are Building." At the inauguration, at which a ceremonial meal of fish and maize was taken, the Towering Hermaphrodite announced that the Commission was, like the Tower itself, open to everyone. As the Bill of Works itself stated, "All Jondo must be treated according to the Principles of Tower Justice." However, as a purely administrative matter, in order to expedite and standardize proceedings, all submissions were to be presented in the language of Building Terminology and one nonreturnable ton of bricks had to be delivered to the Commission as a sign of serious thought.⁹

Many cases went before the Tower Commission. Some raised novel questions, whereas most required clarification of the full meaning of ear-

9. On current values, this amounted to about \$150,000.

lier pronouncements. One celebrated complaint captured the style of the Commission's workings. After many generations of building, a new system of utilities was proposed for the Tower. A dispute arose over the appropriate way to install and maintain it. After many years of bitter wrangling, which brought all building operations to a halt, the problem fell to be resolved by the Tower Commission. The decision was more important for the methodology it established than the actual result reached. It was held that, although such a system of utilities had not been developed or even thought about when The Great Tower Plan had been completed, it was vital to discover what the Basic Builders would have concluded if they had thought of such a system. The Jondo must not forget that the building and completion of the Tower was a sacred trust; its lofty purpose cast a long shadow of responsibility over the transient interests of any generation of Jondo. As the chosen builders of the Tower, the Jondo had to keep faith with the past if they were to fulfill the promise of the future. The Basic Builders provided the metric and it was for the Jondo to measure up to its standards.

For a number of years, there had been developing a strong voice of protest among the women of Jondo. The major thrust of their objections was that they should be able to contribute to the building of the Tower; the choice between building families or towers ought to be theirs. For some time, the men were able to fob them off with excuses about the harsh physical demands of Tower Building and, also, of the valuable contribution the Jondo women already performed in caring for the next generation of Builders and sustaining the present Builders. There was much talk of "Tower-envy" and of how women were not unequal, just different; men possessed a greater facility for the logical disciplines of trigonometric calculation and mechanical design, whereas women had an innate aptitude for domestic arrangements and emotional understanding. This seemed to placate many, but a few persisted and changes were slowly made. At first, only the most direct forms of discrimination were banned. Women became eligible to be tribal elders (although none were actually selected) and a woman was appointed to the Building Commission. In time though, more indirect forms of discrimination were proscribed; conditions of Tower employment, such as working hours and leave entitlement, were amended to better accommodate the female Builders and quotas for female Builders were established.

All of this, of course, was not achieved without struggle. But, although there had been many changes, in a deep sense, nothing seemed to have changed at all. The Tower still continued to go up-and-down to

the same place and its overall appearance and structure remained relatively unchanged. Many male Builders still rankled at having to work shoulder-to-shoulder with women Builders and grumbled about the effect this would have on Jondo children. And most of the higher architectural posts remained a largely male preserve. A typical conversation overheard on the Tower went something like this:

Man: "We would love to use more women as Tower Builders, but we just can't find enough women of the necessary caliber."

Woman: "You miss the point. Women have to be twice as good as men to be considered half as good. Fortunately, that's not too difficult. Equality will occur when there are as many incompetent and third-rate women Builders as there are men."

For some women, this continuing state of affairs confirmed their ambivalence about the much vaunted reforms, especially when a proposed new E.R.E. (Equal Rights Etching) to the Bill of Works was consistently defeated. Although the status of women had improved, these women insisted that equality meant more than simply becoming Jondo Builders: the ambition must be to alter the Jondo ethic, not simply extend it across the gender board. Women had been given an equal opportunity to experience and play the hierarchical game of Jondo life in which the "Towers" came out ahead of the "Tower-nots." In the final analysis, such radicals saw the Tower as no more than a phallic manifestation of Jondo malehood; a crude erection that celebrated nothing but its own potency. Combining with the Deconstructors, the objective of social struggle had to be the demolition of the Tower. This did not mean, they said, that the Jondo would be condemned to a life of crawling and stumbling through its ruins for fear that any new constructions would become more Towers for future Jondo enslavement. In order to reach Truth through the Tower, the Jondo had renounced life. In place of the urge to build and climb towers, the exploration and reinforcement of social webs must be encouraged.

Although work on the Tower continued, commitment to and enthusiasm for its completion waned. Truth, Justice, and The Tower Way remained the heraldic totems of Jondo life, but they had lost much of their inspirational immediacy and symbolic vigor. This is not to say that the Tower did not dominate and pervade the daily regimen of Jondo life. It did. The whole of the social and political economy was organized to meet the demands of Tower construction. Jondo life was lived in the shadow of the Tower. All resources and efforts were slowly, but surely being exhausted in this magnificent obsession: the Tower was Jondo and Jondo

was the Tower. Finally, with its completion seemingly further away than the long-ago day on which it was first commenced, the Tower simply collapsed of its own enormous weight. Thousands were killed and even more were injured. Jondo was in ruins. The few who survived, dispirited and destitute, left for more welcoming lands. Jondo was no more.

Millenia came and went. The inexorable weather inscribed its lasting signature on the Jondo land and transformed it beyond recognition. In a distant year, a lone space traveler came upon what was once Jondo. It became fascinated by the ample debris that seemed to be strewn across the desolate wasteland. In time, it returned and began to excavate the rude, enormous monoliths that stood in as splendid and inscrutable a silence in history as they had on the vast wilderness that once was Jondo. After the first wave of explorations, many more returned to examine these mighty megaliths and cryptic cairns. And, as seemed people's wont, theories were proposed and suggestions made on the origins and purpose(s) of this huge quarry of serene detritus. Was it a Metropolis of the Dead? A Lunar Temple? A Pagan Sanctuary? Or The Playground of A Behemoth Brood? Speculation abounded and a new interpretive discipline, along with a freshly minted currency of hermeneutical argot, took its first faltering steps to intellectual respectability. In what became an epochal discovery, several fragments of rock containing strange markings were unearthed. They . . . But that's another story for another day.

Noble the Tower built with stones of Will
on the rock of law: eternal that habitation.
In the House of the One may dwell the multitudes.
But the heathen are cast out to die as animals.

So we said, very well then,
and came away from the Kingdom
to the fields of grass, where we made small houses.
We build with dirt and wood and water.
We live with the animals and plants,
eating and praising them and die with them;
their way is our way made mindful,
a river running over stones and rocks.
We live in the low places
like water and shadows.
Our houses do not last long.
We have lost sight behind us
of the spiritual Tower.
We go on down along the river.¹⁰

10. U. LE GUIN, *ALWAYS COMING HOME* 489 (1985).

